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OFFICE OF PETITIONS

In re Application of :
Jianmin QIAO :
Application No. 09/654,078 :
Filed: September 1, 2000 :
Attorney Docket No. 195425US77 :
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 5, 2002, to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned for failure to file a proper response, in a timely manner to the non-final Office action mailed November 29, 2001, which set a shortened statutory period for reply of three (3) months. A Request for Continued Examination, a three-month extension of time and a Request for Suspension of action were filed on May 29, 2002. Accordingly, the above-identified application became abandoned on March 1, 2002.

The filing of a Request for Continued Examination when prosecution in an application is not closed is not a proper reply. Therefore, since the submission of the RCE in reply to the non-final Office action was not a proper reply, the \$740 fee for the RCE and the \$920 fee for the extension of time will be credited to petitioner's deposit account.

The application is being forwarded to Technology Center AU 2814 for further processing.

**Telephone inquiries concerning this decision should be directed to Latrice
Bond at (703) 308-6911.**



**Latrice Bond
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for Patent Examination Policy**